

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE  
U.S. DISTRICT COURT  
AT ROANOKE, VA  
FILED

October 31, 2024

LAURA A. AUSTIN, CLERK  
BY: s/ S. Neily, Deputy Clerk

WILLIAM A. WHITE,

Plaintiff,

v.

DEPARTMENT OF HOMELAND  
SECURITY, et al.,

Defendants.

Civil Action No. 7:21-cv-00219

By: Elizabeth K. Dillon  
Chief United States District Judge

**ORDER**

In this lawsuit, pro se plaintiff William A. White, an inmate in federal prison, alleges violations of his rights under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.<sup>1</sup> According to White, the defendants in this matter, the Department of Homeland Security (DHS), the Civil Rights Division of the Department of Justice (CRD), and the Federal Bureau of Investigation (FBI), all failed to provide records pursuant to FOIA requests.

On June 25, 2024, defendants filed an answer to the amended complaint (Dkt. No. 53) and a Status Report on White's FOIA requests (Dkt. No. 54). In the Status Report, defendants contend they have been "working diligently to comply with their obligations under FOIA." (*Id.*

¶ 11.) In addition, defendants note that they have been working with White to get him the

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<sup>1</sup> In his amended complaint filed April 16, 2021, White alleged sixteen claims for relief. (Dkt. No. 24.) Defendants moved to dismiss four of those claims and noted they would file an answer as to the remaining counts following the court's ruling on the motion to dismiss. (Dkt. No. 35.) On September 23, 2022, the court granted defendants' motion, dismissing four counts and dismissing the United States Postal Service and the United States Secret Service as defendants in the action. (Dkt. No. 50.) The remaining counts are alleged violations of FOIA, 5 U.S.C. § 552, and the remaining defendants are the Department of Homeland Security, the Civil Rights Division of the Department of Justice, and the Federal Bureau of Investigation. The defendants have since filed an answer to the amended complaint, albeit over twenty-one (21) months after this court ruled on the motion to dismiss. (Dkt. No. 53.)

requested documents. (*Id.* ¶¶ 12, 20.) The DHS has conducted a search pursuant to the FOIA requests and found no responsive records. (*Id.* ¶ 13.) Likewise, CRD has found no responsive records. (*Id.* ¶ 22.) However, the FBI has found approximately 21,132 response records in relation to White's FOIA requests. (*Id.* ¶ 15.) As of April 30, 2024, the FBI had reviewed around 5,000 pages of the potentially responsive results and has been sending monthly productions of documents to White. (*Id.* ¶¶ 16, 17.) The FBI noted that its personnel are reviewing approximately 500 pages per month and still have over 16,000 pages to review. As of April 30, 2024, the FBI estimated that the review of responsive records would take them an additional thirty-three (33) months to complete. (*Id.* ¶¶ 17, 18).

In light of the anticipated delay, and for administrative purposes, it is hereby ORDERED that this case is administratively STAYED pending completion of the FBI's response to the FOIA requests. It is further ORDERED that the defendants shall file a status update, providing information on the progress of that task, not later than June 25, 2025. Thereafter, the defendants shall file an updated status report every six months. Within thirty days after the FBI completes its response to the FOIA requests, defendants shall docket a notice stating that they have completed their FOIA response. Within thirty days of the docketing of that notice, any party may move to lift the stay.

The Clerk is DIRECTED to provide a copy of this order to all counsel of record and to pro se plaintiff Mr. White.

Entered: October 31, 2024.

*/s/ Elizabeth K. Dillon*  
Elizabeth K. Dillon  
Chief United States District Judge